

**Federal Operating Permit
Article 1**

This permit is based upon the requirements of Title V of the Federal Clean Air Act and Chapter 80, Article 1, of the Commonwealth of Virginia Regulations for the Control and Abatement of Air Pollution. Until such time as this permit is reopened and revised, modified, revoked, terminated or expires, the permittee is authorized to operate in accordance with the terms and conditions contained herein. This permit is issued under the authority of Title 10.1, Chapter 13, §10.1-1322 of the Air Pollution Control Law of Virginia. This permit is issued consistent with the Administrative Process Act, and 9 VAC 5-80-50 through 9 VAC 5-80-300 of the State Air Pollution Control Board Regulations for the Control and Abatement of Air Pollution of the Commonwealth of Virginia.

Authorization to operate a Stationary Source of Air Pollution as described in this permit is hereby granted to:

Permittee Name:	International Paper Company
Facility Name:	Franklin Lumber Mill
Facility Location:	476 Carrsville Highway Franklin, Virginia
Registration Number:	61448
Permit Number:	TRO-61448
AFS Id. No.:	51-093-00057

This permit includes the following programs:

Federally Enforceable Requirements - Clean Air Act (Sections I through IX)

August 28, 2008
Effective Date

August 27, 2013
Expiration Date

Francis L. Daniel

August 28, 2008
Signature Date

Table of Contents

I.	FACILITY INFORMATION.....	3
II.	EMISSION UNITS	4
III.	PLANING MILL OPERATIONS	5
A.	LIMITATIONS	5
B.	MONITORING	5
C.	RECORDKEEPING	7
D.	TESTING	8
E.	REPORTING	8
IV.	KILN OPERATIONS.....	9
A.	LIMITATIONS	9
B.	RECORDKEEPING	9
C.	TESTING	9
V.	FACILITY WIDE CONDITIONS	10
A.	LIMITATIONS	10
B.	RECORDKEEPING	10
C.	TESTING	10
VI.	INSIGNIFICANT EMISSION UNITS	11
VII.	PERMIT SHIELD & INAPPLICABLE REQUIREMENTS	11
VIII.	GENERAL CONDITIONS.....	12
A.	FEDERAL ENFORCEABILITY	12
B.	PERMIT EXPIRATION	12
C.	RECORDKEEPING AND REPORTING	12
D.	ANNUAL COMPLIANCE CERTIFICATION	13
E.	PERMIT DEVIATION REPORTING	14
F.	FAILURE/MALFUNCTION REPORTING	14
G.	SEVERABILITY	14
H.	DUTY TO COMPLY	14
I.	NEED TO HALT OR REDUCE ACTIVITY NOT A DEFENSE	14
J.	PERMIT MODIFICATION	15
K.	PROPERTY RIGHTS	15
L.	DUTY TO SUBMIT INFORMATION	15
M.	DUTY TO PAY PERMIT FEES	15
N.	FUGITIVE DUST EMISSION STANDARDS	15
O.	STARTUP, SHUTDOWN, AND MALFUNCTION	16
P.	ALTERNATIVE OPERATING SCENARIOS	16
Q.	INSPECTION AND ENTRY REQUIREMENTS	16
R.	REOPENING FOR CAUSE	16
S.	PERMIT AVAILABILITY	17
T.	TRANSFER OF PERMITS	17
U.	MALFUNCTION AS AN AFFIRMATIVE DEFENSE	17
V.	PERMIT REVOCATION OR TERMINATION FOR CAUSE	18
W.	DUTY TO SUPPLEMENT OR CORRECT APPLICATION	18
X.	STRATOSPHERIC OZONE PROTECTION	18
Y.	ASBESTOS REQUIREMENTS	18
Z.	ACCIDENTAL RELEASE PREVENTION	18
AA.	CHANGES TO PERMITS FOR EMISSIONS TRADING	18
BB.	EMISSIONS TRADING	18
IX.	STATE-ONLY ENFORCEABLE REQUIREMENTS.....	19

I. Facility Information

Permittee

International Paper Company
Franklin Lumber Mill
529 Carrsville Highway
Franklin, Virginia 23851

Responsible Official

Carl Buck
Plant Manager

Facility

Franklin Lumber Mill
476 Carrsville Highway
Franklin, Virginia 23851

Contact Person

Mary Ann Howell
EHS Coordinator
(757) 569-4485

AIRS Identification Number: 51-093-00057

Facility Description: NAICS 321912, 321113, 321999 and/or SIC Code 2421 – The lumber mill consists of a sawmill (debarking and trimming), a planer mill (planer, trim saw and wood hog), three (3) drying kilns and the associated equipment to support these operations. Logs are received, cut, dried and planed to customer specifications, stored and shipped. The lumber mill is currently permitted under Virginia's minor new source review program as a State Major source with a VOC emissions limit of 222 tons/year.

By the definitions in 40 CFR Part 70, the mill is a major source of both criteria pollutants (VOC) and Hazardous Air Pollutants (Methanol). The mill is subject to the MACT standard (40 CFR Part 63, Subpart DDDD) National Emission Standards for Hazardous Air Pollutants: Plywood and Composite Wood Products (PCWP) by definition, however, there are no other requirements other than the initial notification. The mill is in compliance with the initial notification requirements of the MACT. Therefore, IP is in compliance with the MACT and no conditions are listed in this permit regarding the MACT.

The facility is a Title V major source of VOC and Methanol. This source is located in an attainment area for all pollutants, and is a State Major source. The facility was previously permitted under a Minor NSR Permit issued on February 17, 2005. This permit is the renewal of the Title V operating permit with the addition of a new insignificant emission unit.

II. Emission Units

Equipment to be operated consists of:

Emission Unit ID	Stack ID	Emission Unit Description	Size/Rated Capacity*	Pollution Control Device (PCD) Description	PCD ID	Pollutant Controlled	Applicable Permit Date
Lumber Drying Kilns (3)							
1L	AL	Lumber Dry Kiln, Irvington-Moore, May 1982	163 MBF/charge	None	NA	NA	None - exempt
2L	AL	Lumber Dry Kiln, Irvington-Moore, May 1982	163 MBF/charge	None	NA	NA	None - exempt
3L	BL - (14 vents)	Lumber Dry Kiln, Wellons, Sept 1989	126 MBF/charge	None	NA	NA	None - exempt
Planing Mill Equipment							
4L	CL	Planer, Newman Whitney, 1989	60 MBF/hr	Fabric Filter, Pneumafil Air Filter, 99% eff.	PCD-CL	PM, PM ₁₀	2/17/05 mNSR
5L	CL	Trim Saw, Irvington-Moore, 1989	60 MBF/hr	Fabric Filter, Pneumafil Air Filter, 99% eff.	PCD-CL	PM PM ₁₀	2/17/05 mNSR
6L	CL	Waste Wood Hog, Stedman, 1989	60 MBF/hr	Fabric Filter, Pneumafil Air Filter, 99% eff.	PCD-CL	PM, PM ₁₀	2/17/05 mNSR

*The Size/Rated capacity is provided for informational purposes only, and is not an applicable requirement.

III. Planing Mill Operations

Emission units covered by this section: Planer URN 4L; Trim Saw URN 5L; Wood Hog URN 6L

A. Limitations

1. **Emission Controls** - Particulate emissions from the planer (4L), trim saw (5L) and wood hog (6L) shall be controlled by a fabric filter. The fabric filter shall be provided with adequate access for inspection and shall be in operation when the any of the noted equipment is operating.
(9 VAC 5-80-110 and Condition 3 of 2/17/05 Permit)
2. **Maximum Production Rates** - The following equipment shall process no more material than the following:

Equipment	Tons/year	MBF/yr @ 1.1 MBF/ton*
Planer (4L)	207,220	188,302
Trim saw (5L)	168,336	153,033
Waste wood hog (6L)	4,468	4,062

*MBF = thousand board feet

Each process limit shall be calculated monthly as the sum of each consecutive 12-month period.
(9 VAC 5-80-110 and Condition 6 of 2/17/05 Permit)

3. **Emission Limits (planing mill)** - Emissions from the operation of the planing mill's planer (4L), trim saw (5L) and waste wood hog (6L), combined, shall not exceed the limits specified below:

Particulate Matter (PM) / PM-10	0.05 grains/scf	15.7 lbs/hr	21.3 tons/yr
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These emission rates are derived from the estimated overall emissions contribution from operating limits. Exceedance of operating limits shall be considered credible evidence of the exceedance of emission limits. Compliance with these emissions limits may be determined as stated in Conditions A.1, 2, 4, B.1 and B.2.
(9 VAC 5-80-110 and Condition 8 of 2/17/05 Permit)

4. **Visible Emission Limit** - Visible emissions from the planing mill fabric filter shall not exceed 5% opacity as determined by the EPA Method 9 (reference 40 CFR 60, Appendix A).
(9 VAC 5-80-110 and Condition 11 of 2/17/05 Permit)

B. Monitoring

1. **Fabric Filter Monitoring Device** - The fabric filter shall be equipped with a device to continuously measure the differential pressure drop across the fabric filter. The monitoring device shall be installed, maintained and operated in accordance with approved procedures which shall include, as a minimum, the manufacturer's written requirements or recommendations. The monitoring device shall be provided with adequate access for inspection and shall be in operation when the fabric filter is operating.
(9 VAC 5-80-110 and Condition 4 of 2/17/05 Permit)
2. **Fabric Filter Monitoring Device Observation** - The fabric filter monitoring device used to continuously measure differential pressure drop shall be observed by the permittee with a frequency of not less than once per week and as recommended by the manufacturer to ensure good performance of the fabric filter. The permittee shall keep a log of the observations from the fabric filter monitoring device.
(9 VAC 5-80-110 and Condition 5 of 2/17/05 Permit)

3. **Weekly Planer Visible Emissions Checks** - The permittee shall observe the planing mill fabric filter stack for visible emissions at least once each calendar week (Monday-Sunday) during daylight hours of operations, for at least six minutes. If visible emissions are noted from the stack, maintenance shall be performed on the fabric filter to eliminate the visible emissions. If visible emissions continue after maintenance actions, a visible emissions evaluation (VEE) shall be immediately conducted on the stack for at least six minutes in accordance with Method 9 (40 CFR 60, Appendix A). If the VEE opacity average is equal to or greater than 5%, the VEE shall continue for one hour from the initiation of the visible emissions check on the stack. (9 VAC 5-80-110 and Condition 12 of 2/17/05 Permit)
4. **Compliance Assurance Monitoring (CAM)** - The permittee shall monitor, operate, calibrate and maintain the fabric filter for the planer (4L), trim saw (5L) and waste wood hog (6L) according to the following:

Emission Units	The planer (4L), trim saw (5L) and waste wood hog (6L)
Control Device	Fabric filter
State Major NSR Emission Limits Chapter 40 Emission Standard	15.7 lbs/hr and 21.3 tons/yr 0.05 grains/scf
I. CAM Indicator	Visual inspection of emission of the fabric filter stack
Measurement Approach	Visual observations. Conditions A.4, B.2, and B.3
Monitoring Frequency	Weekly Visual emissions checks
Justification	Due to large margin of compliance, visual inspections have been deemed as adequate monitoring.
II. Indicator Range	If visible emissions are observed, then the equipment is not in proper working order and maintenance must be performed. If emissions are still visible after maintenance, a visible emissions evaluation must be performed in accordance with Method 9.
III. Performance Criteria	
Data Representativeness	Visual observations are taken of the control equipment
QA/QC Practices and Criteria	Operations personnel are properly trained on how to complete the inspections
Data Collection Procedures	Logs are maintained
Averaging Period	n/a
APCD Bypass Monitoring	Units are not equipped with an APCD bypass.

5. **CAM** - The permittee shall conduct the monitoring and fulfill the other obligations specified in 40 CFR 64.7 through 40 CFR 64.9.
(9 VAC 5-80-110 E and 40 CFR 64.6 (c))
6. **CAM** - Upon detecting the presence of visible emissions, the permittee shall restore operation of the planer (4L), trim saw (5L) and waste wood hog (6L) (including the control device and associated capture system) to its normal or usual manner of operation as expeditiously as practicable in accordance with good air pollution control practices for minimizing emissions. The response shall include minimizing the period of any startup, shutdown or malfunction and taking any necessary corrective actions to restore normal operation and prevent the likely recurrence of the cause of an excursion or exceedance (other than those caused by excused startup and shutdown conditions). Such actions may include initial inspection and evaluation, recording that operations returned to normal without operator action, or any necessary follow-up actions to return operation to within the indicator, designated condition, or below the applicable emission limitation or standard, as applicable.
(9 VAC 5-80-110 E and 40 CFR 64.7 (d)(1))

7. **CAM** - Determination that acceptable procedures were used in response to an excursion or exceedance will be based on information available, which may include but is not limited to, monitoring results, review of operation and maintenance procedures and records, and inspection of the control device, associated capture system, and the process.
(9 VAC 5-80-110 E and 40 CFR 64.7(d)(2))
8. **CAM** - If the permittee identifies a failure to achieve compliance with an emission limitation or standard for which the approved monitoring did not provide an indication of an excursion or exceedance while providing valid data, or the results of compliance or performance testing document a need to modify the existing indicator ranges or designated conditions, the permittee shall promptly notify the Director, Tidewater Regional Office and, if necessary, submit a proposed modification to this permit to address the necessary monitoring changes. Such a modification may include, but is not limited to, reestablishing indicator ranges or designated conditions, modifying the frequency of conducting monitoring and collecting data, or the monitoring of additional parameters.
(9 VAC 5-80-110 E and 40 CFR 64.7(e))
9. **CAM** - If the number of exceedances or excursions exceeds 5% duration of the operating time for the planer (4L), trim saw (5L) and waste wood hog (6L) for a semiannual reporting period, the permittee shall develop, implement and maintain a Quality Improvement Plan (QIP) in accordance with 40 CFR 64.8. If a QIP is required, the permittee shall have it available for inspection. The QIP initially shall include procedures for evaluating the control performance problems and, based on the results of the evaluation procedures, the permittee shall modify the plan to include procedures for conducting one or more of the following, as appropriate:
 - a. Improved preventative maintenance practices;
 - b. Process operation changes;
 - c. Appropriate improvements to control methods;
 - d. Other steps appropriate to correct control performance; and
 - e. More frequent or improved monitoring.
(9 VAC 5-80-110 E and 40 CFR 64.8(a) and (b))

C. Recordkeeping

1. The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. The content and format of such records shall be arranged with the Director, Tidewater Regional Office. These records shall include, but are not limited to:
 - a. Annual production of wood material through the planer (L4), trim saw (L5) and waste wood hog (L6), as specified in Condition A.2, each calculated monthly as the sum of each consecutive 12-month period. Compliance for the consecutive 12-month period shall be demonstrated monthly by adding the total for the most recently completed calendar month to the individual monthly totals for the preceding 11 months.
 - b. Records of visible emissions observations and evaluations as specified in condition A.4.
 - c. Planing mill fabric filter inspection records, including daily pressure drops, and maintenance and training records.

These records shall be available on site for inspection by the DEQ and shall be current for the most recent five (5) years.

(9 VAC 5-50-50, 9 VAC 5-80-110 and Condition 15 of 2/17/05 Permit)

2. **CAM Recordkeeping** - The permittee shall maintain records of monitoring data, monitor performance data, corrective actions taken, any written quality improvement plan (QIP) required pursuant to §64.8 and any activities undertaken to implement a quality improvement plan (QIP), and other supporting information required to be maintained under this part (such as data used to document the adequacy of monitoring, or records of monitoring maintenance or corrective actions).
(9 VAC 5-80-110 E and 40 CFR 64.9(b))

D. Testing

1. **Testing/Monitoring Ports** - The permitted facility shall be constructed so as to allow for emissions testing and monitoring upon reasonable notice at any time, using appropriate methods. This includes constructing the facility such that volumetric flow rates and pollutant emission rates can be accurately determined by applicable test methods and providing stack or duct that is free from cyclonic flow. Test ports shall be provided when requested at the appropriate locations.
(9 VAC 5-50-30 F, 9 VAC 5-80-110 and Condition 14 of 2/17/05 Permit)
2. If testing is conducted in addition to the monitoring specified in this permit, the permittee shall use the appropriate method(s) in accordance with procedures approved by the DEQ.
(9 VAC 5-80-110)

E. Reporting

1. **CAM Reporting** - the permittee shall submit CAM reports as part of the Title V semi-annual monitoring reports required by General Condition C.3 of this permit to the Director, Tidewater Regional Office. Such reports shall include at a minimum:
 - a. Summary information on the number, duration and cause (including unknown cause, if applicable) of excursions or exceedances, as applicable, and the corrective actions taken;
 - b. Summary information on the number, duration and cause (including unknown cause or missed monitoring, if applicable) for monitor downtime incidents (other than downtime associated with zero and span or other daily calibration checks, if applicable); and
 - c. A description of the actions taken to implement a quality improvement plan (QIP) during the reporting period as specified in §64.8. Upon completion of a QIP, the owner or operator shall include in the next summary report documentation that the implementation of the plan has been completed and reduced the likelihood of similar levels of excursions or exceedances occurring.
(9 VAC 5-80-110 F and 40 CFR 64.9(a))

IV. Kiln Operations

A. Limitations

1. **Maximum Production Rates** - The three lumber drying kilns (L1, L2 and L3), combined, shall process no more than 127,000 MBF/year, calculated monthly as the sum of each consecutive 12-month period.
(9 VAC 5-80-110 and Condition 7 of 2/17/05 Permit)
2. **Emission Limits (lumber drying kilns)** - Emissions from the operation of the three lumber drying kilns (L1, L2 and L3) shall not exceed the limits specified below:

Particulate Matter (PM/PM₁₀)
Volatile Organic Compounds

2.9 tons/yr
222.3 tons/yr

These emissions are derived from the estimated overall emission contribution from operating limits. Exceedance of the operating limits shall be considered credible evidence of the exceedance of emission limits. Compliance with these emission limits may be determined as stated in Condition IV.A.1.
(9 VAC 5-80-110 and Condition 9 of 2/17/05 Permit)

B. Recordkeeping

1. The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. The content and format of such records shall be arranged with the Director, Tidewater Regional Office. These records shall include, but are not limited to the annual throughput of lumber through the drying kilns (L1, L2 and L3), calculated monthly as the sum of each consecutive 12-month period. Compliance for the consecutive 12-month period shall be demonstrated monthly by adding the total for the most recently completed calendar month to the individual monthly totals for the preceding 11 months. These records shall be available on site for inspection by the DEQ and shall be current for the most recent five (5) years.
(9 VAC 5-80-110 and Condition 15 of 2/17/05 Permit)

C. Testing

1. The permitted facility shall be constructed so as to allow for emissions testing at any time using appropriate methods. Upon request from the Department, test ports shall be provided at the appropriate locations.
(9 VAC 5-40-30 and 9 VAC 5-80-110)
2. If testing is conducted in addition to the monitoring specified in this permit, the permittee shall use the appropriate method(s) in accordance with procedures approved by the DEQ.
(9 VAC 5-80-110)

V. Facility Wide Conditions

A. Limitations

1. **Plantwide Emission Limits** - Total emissions from the Franklin Lumber Mill shall not exceed the limits specified below:

Particulate Matter (PM/PM ₁₀)	24.2 tons/yr
Volatile Organic Compounds	222.3 tons/yr

These emission are derived from the estimated overall emission contribution from operating limits. Exceedance of the operating limits shall be considered credible evidence of the exceedance of emission limits. Compliance with these emission limits may be determined as stated in Condition numbers III.A.3 and IV.A.2. (9 VAC 5-80-110 and Condition 10 of 2/17/05 Permit)

B. Recordkeeping

The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. The content and format of such records shall be arranged with the Director, Tidewater Regional Office. See Conditions III.C.1.a and IV.B.1. (9 VAC 5-80-110 and Condition 15 of 2/17/05 Permit)

C. Testing

1. The permitted facility shall be constructed so as to allow for emissions testing at any time using appropriate methods. Upon request from the Department, test ports shall be provided at the appropriate locations. (9 VAC 5-40-30 and 9 VAC 5-80-110)
2. If testing is conducted in addition to the monitoring specified in this permit, the permittee shall use the appropriate method(s) in accordance with procedures approved by the DEQ. (9 VAC 5-80-110)

VI. Insignificant Emission Units

The following emission units at the facility are identified in the application as insignificant emission units under 9 VAC 5-80-720:

Emission Unit No.	Emission Unit Description	Citation	Pollutant(s) Emitted (9 VAC 5-80-720 B)	Rated Capacity (9 VAC 5-80-720 C)
IS7	Wood chipper and chip loading	9 VAC 5-80-720B	PM/PM ₁₀	45,000 tons/yr
IS8	Lumber Mill Saw	9 VAC 5-80-720B	PM/PM ₁₀	60.0 MBF/hr
IS8	Band Saw	9 VAC 5-80-720B	PM/PM ₁₀	1.7 MBF/hr
IS9	Lumber debarking	9 VAC 5-80-720B	PM/PM ₁₀	600,000 tons/yr
IS11	Unpaved road traffic	9 VAC 5-80-720B	PM/PM ₁₀	Unknown
L7	Cambio Log Debarker	9 VAC 5-80-720B	PM/PM ₁₀	40 MBF/hr
HOLTEC	Holtec Saw	9 VAC 5-80-720B	PM/PM ₁₀	Batch process

These emission units are presumed to be in compliance with all requirements of the federal Clean Air Act as may apply. Based on this presumption, no monitoring, recordkeeping, or reporting shall be required for these emission units in accordance with 9 VAC 5-80-110.

VII. Permit Shield & Inapplicable Requirements

Compliance with the provisions of this permit shall be deemed compliance with all applicable requirements in effect as of the permit issuance date as identified in this permit. This permit shield covers only those applicable requirements covered by terms and conditions in this permit and the following requirements which have been specifically identified as being not applicable to this permitted facility:

Citation	Title of Citation	Description of Applicability
No Requirements Identified		

Nothing in this permit shield shall alter the provisions of §303 of the federal Clean Air Act, including the authority of the administrator under that section, the liability of the owner for any violation of applicable requirements prior to or at the time of permit issuance, or the ability to obtain information by the administrator pursuant to §114 of the federal Clean Air Act, (ii) the Board pursuant to §10.1-1314 or §10.1-1315 of the Virginia Air Pollution Control Law or (iii) the Department pursuant to §10.1-1307.3 of the Virginia Air Pollution Control Law.

(9 VAC 5-80-140)

VIII. General Conditions

A. Federal Enforceability

All terms and conditions in this permit are enforceable by the administrator and citizens under the federal Clean Air Act, except those that have been designated as only state-enforceable.
(9 VAC 5-80-110 N)

B. Permit Expiration

This permit has a fixed term of five years. The expiration date shall be the date five years from the date of issuance. Unless the owner submits a timely and complete application for renewal to the Department consistent with the requirements of 9 VAC 5-80-80, the right of the facility to operate shall be terminated upon permit expiration.

1. The owner shall submit an application for renewal at least six months but no earlier than eighteen months prior to the date of permit expiration.
2. If an applicant submits a timely and complete application for an initial permit or renewal under this section, the failure of the source to have a permit or the operation of the source without a permit shall not be a violation of Article 1, Part II of 9 VAC 5 Chapter 80, until the Board takes final action on the application under 9 VAC 5-80-150.
3. No source shall operate after the time that it is required to submit a timely and complete application under subsections C and D of 9 VAC 5-80-80 for a renewal permit, except in compliance with a permit issued under Article 1, Part II of 9 VAC 5 Chapter 80.
4. If an applicant submits a timely and complete application under section 9 VAC 5-80-80 for a permit renewal but the Board fails to issue or deny the renewal permit before the end of the term of the previous permit, (i) the previous permit shall not expire until the renewal permit has been issued or denied and (ii) all the terms and conditions of the previous permit, including any permit shield granted pursuant to 9 VAC 5-80-140, shall remain in effect from the date the application is determined to be complete until the renewal permit is issued or denied.
5. The protection under subsections F 1 and F 5 (ii) of section 9 VAC 5-80-80 F shall cease to apply if, subsequent to the completeness determination made pursuant section 9 VAC 5-80-80 D, the applicant fails to submit by the deadline specified in writing by the Board any additional information identified as being needed to process the application.
(9 VAC 5-80-80 B, C, and F, 9 VAC 5-80-110 D and 9 VAC 5-80-170 B)

C. Recordkeeping and Reporting

1. All records of monitoring information maintained to demonstrate compliance with the terms and conditions of this permit shall contain, where applicable, the following:
 - a. The date, place as defined in the permit, and time of sampling or measurements.
 - b. The date(s) analyses were performed.
 - c. The company or entity that performed the analyses.
 - d. The analytical techniques or methods used.
 - e. The results of such analyses.
 - f. The operating conditions existing at the time of sampling or measurement.
- (9 VAC 5-80-110 F)

2. Records of all monitoring data and support information shall be retained for at least five years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.
(9 VAC 5-80-110 F)
3. The permittee shall submit the results of monitoring contained in any applicable requirement to DEQ no later than **March 1** and **September 1** of each calendar year. This report must be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:
 - a. The time period included in the report. The time periods to be addressed are January 1 to June 30 and July 1 to December 31.
 - b. All deviations from permit requirements. For purpose of this permit, deviations include, but are not limited to:
 - (i) Exceedance of emissions limitations or operational restrictions;
 - (ii) Excursions from control device operating parameter requirements, as documented by continuous emission monitoring, periodic monitoring, or Compliance Assurance Monitoring (CAM) which indicates an exceedance of emission limitations or operational restrictions; or,
 - (iii) Failure to meet monitoring, recordkeeping, or reporting requirements contained in this permit.
 - c. If there were no deviations from permit conditions during the time period, the permittee shall include a statement in the report that "no deviations from permit requirements occurred during this semi-annual reporting period."
(9 VAC 5-80-110 F)

D. Annual Compliance Certification

Exclusive of any reporting required to assure compliance with the terms and conditions of this permit or as part of a schedule of compliance contained in this permit, the permittee shall submit to EPA and DEQ no later than March 1 each calendar year a certification of compliance with all terms and conditions of this permit including emission limitation standards or work practices. The compliance certification shall comply with such additional requirements that may be specified pursuant to §114(a)(3) and §504(b) of the federal Clean Air Act. This certification shall be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:

1. The time period included in the certification. The time period to be addressed is January 1 to December 31.
2. The identification of each term or condition of the permit that is the basis of the certification.
3. The compliance status.
4. Whether compliance was continuous or intermittent, and if not continuous, documentation of each incident of non-compliance.
5. Consistent with subsection 9 VAC 5-80-110 E, the method or methods used for determining the compliance status of the source at the time of certification and over the reporting period.

6. Such other facts as the permit may require to determine the compliance status of the source.

One copy of the annual compliance certification shall be sent to EPA at the following address:

Clean Air Act Title V Compliance Certification (3AP00)
U.S. Environmental Protection Agency, Region III
1650 Arch Street
Philadelphia, PA 19103-2029
(9 VAC 5-80-110 K.5)

E. Permit Deviation Reporting

The permittee shall notify the Director, Tidewater Regional Office within four daytime business hours after discovery of any deviations from permit requirements which may cause excess emissions for more than one hour, including those attributable to upset conditions as may be defined in this permit. In addition, within 14 days of the discovery, the permittee shall provide a written statement explaining the problem, any corrective actions or preventative measures taken, and the estimated duration of the permit deviation. The occurrence should also be reported in the next semi-annual compliance monitoring report pursuant to General Condition VIII.C.3 of this permit.

(9 VAC 5-80-110 F.2 and 9 VAC 5-80-250)

F. Failure/Malfunction Reporting

In the event that any affected facility or related air pollution control equipment fails or malfunctions in such a manner that may cause excess emissions for more than one hour, the owner shall, as soon as practicable but no later than four daytime business hours after the malfunction is discovered, notify the Director, Tidewater Regional Office by facsimile transmission, telephone or telegraph of such failure or malfunction and shall within 14 days of discovery provide a written statement giving all pertinent facts, including the estimated duration of the breakdown. When the condition causing the failure or malfunction has been corrected and the equipment is again in operation, the owner shall notify the Director, Tidewater Regional Office.

(9 VAC 5-20-180 C)

G. Severability

The terms of this permit are severable. If any condition, requirement or portion of the permit is held invalid or inapplicable under any circumstance, such invalidity or inapplicability shall not affect or impair the remaining conditions, requirements, or portions of the permit.

(9 VAC 5-80-110 G.1)

H. Duty to Comply

The permittee shall comply with all terms and conditions of this permit. Any permit noncompliance constitutes a violation of the federal Clean Air Act or the Virginia Air Pollution Control Law or both and is ground for enforcement action; for permit termination, revocation and reissuance, or modification; or, for denial of a permit renewal application.

(9 VAC 5-80-110 G.2)

I. Need to Halt or Reduce Activity not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

(9 VAC 5-80-110 G.3)

J. Permit Modification

A physical change in, or change in the method of operation of, this stationary source may be subject to permitting under State Regulations 9 VAC 5-80-50, 9 VAC 5-80-1100, 9 VAC 5-80-1605, or 9 VAC 5-80-2000 and may require a permit modification and/or revisions except as may be authorized in any approved alternative operating scenarios.

(9 VAC 5-80-190 and 9 VAC 5-80-260)

K. Property Rights

The permit does not convey any property rights of any sort, or any exclusive privilege.

(9 VAC 5-80-110 G.5)

L. Duty to Submit Information

1. The permittee shall furnish to the Board, within a reasonable time, any information that the Board may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Board copies of records required to be kept by the permit and, for information claimed to be confidential, the permittee shall furnish such records to the Board along with a claim of confidentiality.

(9 VAC 5-80-110 G.6)

2. Any document (including reports) required in a permit condition to be submitted to the Board shall contain a certification by a responsible official that meets the requirements of 9 VAC 5-80-80 G.

(9 VAC 5-80-110 K.1)

M. Duty to Pay Permit Fees

The owner of any source for which a permit under 9 VAC 5-80-50 through 9 VAC 5-80-300 was issued shall pay permit fees consistent with the requirements of 9 VAC 5-80-310 through 9 VAC 5-80-350. The actual emissions covered by the permit program fees for the preceding year shall be calculated by the owner and submitted to the Department by April 15 of each year. The calculations and final amount of emissions are subject to verification and final determination by the Department.

(9 VAC 5-80-110 H and 9 VAC 5-80-340 C)

N. Fugitive Dust Emission Standards

During the operation of a stationary source or any other building, structure, facility, or installation, no owner or other person shall cause or permit any materials or property to be handled, transported, stored, used, constructed, altered, repaired, or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne. Such reasonable precautions may include, but are not limited to, the following:

1. Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads, or the clearing of land;
2. Application of asphalt, water, or suitable chemicals on dirt roads, materials stockpiles, and other surfaces which may create airborne dust; the paving of roadways and the maintaining of them in a clean condition;
3. Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty material. Adequate containment methods shall be employed during sandblasting or similar operations;
4. Open equipment for conveying or transporting material likely to create objectionable air pollution when airborne shall be covered or treated in an equally effective manner at all times when in motion; and,

5. The prompt removal of spilled or tracked dirt or other materials from paved streets and of dried sediments resulting from soil erosion.

(9 VAC 5-40-90 and 9 VAC 5-50-90)

O. Startup, Shutdown, and Malfunction

At all times, including periods of startup, shutdown, and malfunction, owners shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with air pollution control practices for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Board, which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

(9 VAC 5-50-20 E and 9 VAC 5-40-20 E)

P. Alternative Operating Scenarios

Contemporaneously with making a change between reasonably anticipated operating scenarios identified in this permit, the permittee shall record in a log at the permitted facility a record of the scenario under which it is operating. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions under each such operating scenario. The terms and conditions of each such alternative scenario shall meet all applicable requirements including the requirements of 9 VAC 5 Chapter 80, Article 1.

(9 VAC 5-80-110 J)

Q. Inspection and Entry Requirements

The permittee shall allow DEQ, upon presentation of credentials and other documents as may be required by law, to perform the following:

1. Enter upon the premises where the source is located or emissions-related activity is conducted, or where records must be kept under the terms and conditions of the permit.
2. Have access to and copy, at reasonable times, any records that must be kept under the terms and conditions of the permit.
3. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit.
4. Sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

(9 VAC 5-80-110 K.2)

R. Reopening For Cause

The permit shall be reopened by the Board if additional federal requirements become applicable to a major source with a remaining permit term of three years or more. Such reopening shall be completed no later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to 9 VAC 5-80-80 F.

1. The permit shall be reopened if the Board or the administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.
2. The permit shall be reopened if the administrator or the Board determines that the permit must be revised or revoked to assure compliance with the applicable requirements.

3. The permit shall not be reopened by the Board if additional applicable state requirements become applicable to a major source prior to the expiration date established under 9 VAC 5-80-110 D.

(9 VAC 5-80-110 L)

S. Permit Availability

Within five days after receipt of the issued permit, the permittee shall maintain the permit on the premises for which the permit has been issued and shall make the permit immediately available to DEQ upon request.

(9 VAC 5-80-150 E)

T. Transfer of Permits

1. No person shall transfer a permit from one location to another, unless authorized under 9 VAC 5-80-130, or from one piece of equipment to another.
2. In the case of a transfer of ownership of a stationary source, the new owner shall comply with any current permit issued to the previous owner. The new owner shall notify the Board of the change in ownership within 30 days of the transfer and shall comply with the requirements of 9 VAC 5-80-200.
3. In the case of a name change of a stationary source, the owner shall comply with any current permit issued under the previous source name. The owner shall notify the Board of the change in source name within 30 days of the name change and shall comply with the requirements of 9 VAC 5-80-200.

(9 VAC 5-80-160)

U. Malfunction as an Affirmative Defense

1. A malfunction constitutes an affirmative defense to an action brought for noncompliance with technology-based emission limitations if the requirements of paragraph 2 of this condition are met.
2. The affirmative defense of malfunction shall be demonstrated by the permittee through properly signed, contemporaneous operating logs, or other relevant evidence that show the following:
 - a. A malfunction occurred and the permittee can identify the cause or causes of the malfunction.
 - b. The permitted facility was at the time being properly operated.
 - c. During the period of the malfunction the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit.
 - d. The permittee notified the Board of the malfunction within two working days following the time when the emission limitations were exceeded due to the malfunction. This notification shall include a description of the malfunction, any steps taken to mitigate emissions, and corrective actions taken. The notification may be delivered either orally or in writing. The notification may be delivered by electronic mail, facsimile transmission, telephone, or any other method that allows the permittee to comply with the deadline. This notification fulfills the requirements of 9 VAC 5-80-110 F.2.b to report promptly deviations from permit requirements. This notification does not release the permittee from the malfunction reporting requirement under 9 VAC 5-20-180 C.
3. In any enforcement proceeding, the permittee seeking to establish the occurrence of a malfunction shall have the burden of proof.
4. The provisions of this section are in addition to any malfunction, emergency or upset provision contained in any applicable requirement.

(9 VAC 5-80-250)

V. Permit Revocation or Termination for Cause

A permit may be revoked or terminated prior to its expiration date if the owner knowingly makes material misstatements in the permit application or any amendments thereto or if the permittee violates, fails, neglects or refuses to comply with the terms or conditions of the permit, any applicable requirements, or the applicable provisions of 9 VAC 5 Chapter 80 Article 1. The Board may suspend, under such conditions and for such period of time as the Board may prescribe any permit for any grounds for revocation or termination or for any other violations of these regulations.

(9 VAC 5-80-190 C and 9 VAC 5-80-260)

W. Duty to Supplement or Correct Application

Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrections. An applicant shall also provide additional information as necessary to address any requirements that become applicable to the source after the date a complete application was filed but prior to release of a draft permit.

(9 VAC 5-80-80 E)

X. Stratospheric Ozone Protection

If the permittee handles or emits one or more Class I or II substances subject to a standard promulgated under or established by Title VI (Stratospheric Ozone Protection) of the federal Clean Air Act, the permittee shall comply with all applicable sections of 40 CFR Part 82, Subparts A to F.

(40 CFR Part 82, Subparts A-F)

Y. Asbestos Requirements

The permittee shall comply with the requirements of National Emissions Standards for Hazardous Air Pollutants (40 CFR 61) Subpart M, National Emission Standards for Asbestos as it applies to the following: Standards for Demolition and Renovation (40 CFR 61.145), Standards for Insulating Materials (40 CFR 61.148), and Standards for Waste Disposal (40 CFR 61.150).

(9 VAC 5-60-70 and 9 VAC 5-80-110 A.1)

Z. Accidental Release Prevention

If the permittee has more, or will have more than a threshold quantity of a regulated substance in a process, as determined by 40 CFR 68.115, the permittee shall comply with the requirements of 40 CFR Part 68.

(40 CFR Part 68)

AA. Changes to Permits for Emissions Trading

No permit revision shall be required under any federally approved economic incentives, marketable permits, emissions trading and other similar programs or processes for changes that are provided for in this permit.

(9 VAC 5-80-110 I)

BB. Emissions Trading

Where the trading of emissions increases and decreases within the permitted facility is to occur within the context of this permit and to the extent that the regulations provide for trading such increases and decreases without a case-by-case approval of each emissions trade:

1. All terms and conditions required under 9 VAC 5-80-110, except subsection N, shall be included to determine compliance.
2. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions that allow such increases and decreases in emissions.

3. The owner shall meet all applicable requirements including the requirements of 9 VAC 5-80-50 through 9 VAC 5-80-300.

(9 VAC 5-80-110 I)

IX. State-Only Enforceable Requirements

The following terms and conditions are not required under the federal Clean Air Act or under any of its applicable federal requirements, and are not subject to the requirements of 9 VAC 5-80-290 concerning review of proposed permits by EPA and draft permits by affected states.

State toxics rule - 9 VAC 5 Chapter 60, Article 4 and 5.

(9 VAC 5-80-110 N and 9 VAC 5-80-300)